CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

AMENDMENT TO

THE WATER QUALITY CONTROL PLAN FOR THE TULARE LAKE BASIN

FOR

CLARIFICATION, CONSISTENCY, AND UPDATING OF THE LANGUAGE

August 2002

State of California

California Environmental Protection Agency

REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Robert Schneider, Chair
Karl. Longley, Vice Chair
Beverly Alves, Member
Alson Brizard, Member
Christopher Cabaldon, Member
Mark Salvaggio, Member
Cher Kablanow, Member
Robert Fong, Member

Thomas R. Pinkos, Acting Executive Officer

3443 Routier Road, Suite A
Sacramento, California 95827-3003

Phone: (916) 255-3000
CalNet: 8-494-3000

DISCLAIMER

This publication is a technical report by staff of the California Regional Water Quality Control Board, Central Valley Region. No policy or regulation is either expressed or intended.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

AMENDMENT TO

THE WATER QUALITY CONTROL PLAN FOR THE TULARE LAKE BASIN

FOR

CLARIFICATION, CONSISTENCY, AND UPDATING OF THE LANGUAGE

STAFF REPORT

DRAFT REPORT
August 2002

REPORT PREPARED BY:

PAM BUFORD
Environmental Scientist
Agriculture and Planning

I. SUMMARY

Staff proposes amendments to the Water Quality Control Plan for the Tulare Lake Basin, Second Edition (hereafter Basin Plan) to remove an inaccurate description of the federal antidegradation policy and remove the outdated Regional Water Board list of Water Quality Limited Segments (Appendix 33), include references to new State Water Board policies adopted since 1994, and make other minor edits for consistency with Water Code terminology and the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin.

II. INTRODUCTION

Basin Plans are the basis for regulatory actions by Regional Water Boards that are to be taken for water quality control. The preparation and adoption of a Basin Plan is required by California Water Code (Water Code) Section 13240 and supported by the federal Clean Water Act (CWA or Act). Section 303 of the CWA requires states to adopt water quality standards which consist of the designated uses of the navigable waters involved and the water quality criteria (referred to as "objectives" in California) for such waters based upon designated uses. A Basin Plan must consist of all of the following (Water Code Sections 13240-13244):

a) beneficial uses to be protected;
b) water quality objectives;
c) a program of implementation needed for achieving water quality objectives; and
d) surveillance and monitoring to evaluate the effectiveness of the program.

Basin Plans are adopted and amended by the Regional Water Board using a structured process involving peer review, full public participation, state environmental review, and state and federal agency review and approval. Each of the nine Regional Water Boards in California has adopted Basin Plans for its geographic region. The Central Valley Regional Water Quality Control Board (Regional Water Board) has adopted basin plans for the Sacramento and San Joaquin Rivers Basin and for the Tulare Lake Basin.

Authority for each Regional Water Board to formulate and adopt Basin Plans and periodically review the plans is provided in Section 13240 of the Water Code. However, a Basin Plan does not become effective until approved by the State Water Board (Water Code Section 13245), and the Office of Administrative Law (OAL). If the amendment involves adopting or revising a standard which relates to surface water, it falls under federal jurisdiction and must also be approved by the US Environmental Protection Agency (USEPA) (40 CFR 131.21).

Prior to 30 May 2000, surface water quality standards adopted by a state became the applicable water quality standards unless USEPA disapproves them. Since 30 May 2000, a state adopted water quality standard becomes the applicable water quality standard only after USEPA approval. State water quality standards are superceded if the USEPA promulgates a more stringent water quality standard for that state, in which case the USEPA promulgated water quality stan-

dard is the applicable water quality standard for purposes of the CWA (65 FR 36046 codified at 40 CFR 131.21). These regulations apply to all surface waters of the state.

The Basin Plan was first adopted in 1975. Triennial reviews were completed in 1984, 1988, 1993, and 1998. The Basin Plan was revised and updated in the Second Edition, 1995.

III. PROPOSED REVISIONS

The major purpose of the proposed revisions is to update the Basin Plan and to make revisions to provide consistency with the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin Plan.

a. Basin Plan Updates

On 26 May 2000, USEPA took action on the Sacramento and San Joaquin Rivers Basin Plan amendments and revisions adopted by the Regional Water Board from 1989 through 1995. In the action, USEPA disapproved three sections. These sections relate to designation of beneficial uses, applicability of dissolved oxygen objectives to certain Delta waters, and description of the federal antidegradation policy. The USEPA did not disapprove these sections in the Tulare Lake Basin Plan; however, staff proposes revisions to the Basin Plan's section which relates to designation of beneficial uses and the description of the federal antidegradation policy to reflect USEPA comments and remain consistent with the language in the Sacramento and San Joaquin Rivers Basin Plan.

The proposed revisions are as follows:

CHAPTER II – PRESENT AND POTENTIAL BENEFICIAL USES

The USEPA determined that language first incorporated in the Third Edition of the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin Plan, regarding how beneficial uses were assigned, did not clearly establish which beneficial uses applied to which water bodies because it implied that the Regional Water Board could designate beneficial uses in the permitting process rather that the basin planning process. The Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin Plan is being amended to address this issue. Although the language was not disapproved by USEPA for the Tulare Lake Basin, to maintain consistency within the Central Valley Region similar language is being amended in the Tulare Lake Basin Plan.

It is the intent of the Regional Water Board to establish which beneficial uses apply to waters in the region and that they be adopted through a basin planning process that includes public participation. Therefore, the following sentence is proposed to be added to the end of the second complete paragraph in the second column of Page II-2.

The judgment of the Regional Board on beneficial use evaluations and designations, particularly to change the above designated and assigned beneficial uses, will be conducted in accordance with California Water Code Sections 13240 through 13247 and 40 CFR Part 131 which relate to the adoption and approval of water quality control plans and water quality standards.

CHAPTER V – PLANS AND POLICIES

The USEPA found that the description of the federal antidegradation policy in the Third and Fourth Editions of the Sacramento and San Joaquin Rivers Basin Plan was incomplete and misleading. The Regional Water Board agrees. To maintain consistency within the Central Valley Region similar language is being amended in the Tulare Lake Basin Plan. Since this description was only included for information purposes and is non-regulatory, it should be removed to avoid this confusion. The federal policy is still included in the appendices for informational purposes. The following revision is proposed for Item 2 under "State Water Board Policies and Plans" on Page V-1.

2. State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Water in California.

This policy, adopted on 28 October 1968, is intended to maintain high quality waters. It established criteria the Regional Water Board must satisfy before allowing discharges that may reduce water quality of surface or ground waters even though such a reduction will still protect beneficial uses.

Changes in water quality may be allowed only if the change is consistent with maximum benefit to the people of the State, does not unreasonably affect present and anticipated beneficial uses, and does not result in water quality less than that prescribed in water quality control plans and policies. USEPA water quality standards regulations require each state to adopt an "antidegradation" policy and specify the minimum requirements for the policy (40 CFR 131.12). ~~*Although Resolution No. 68-16 preceded the federal policy,*~~ *The State Water Board has interpreted State Water Board Resolution No. 68-16 to incorporate the federal antidegradation policy.* ~~*Therefore, the federal antidegradation policy must be followed where it is applicable. The federal antidegradation policy applies if a discharge or other activity, which began after November 28, 1975, will lower surface water quality. Application of the federal policy may be triggered by water quality impacts or mass loading impacts to receiving waters.*~~ *Appendix 2 contains Resolution No. 68-16; Appendix 26 contains the federal policy.*

State Water Board adopts statewide plans in accordance with Section 13170 of the California Water Code. "Such plans, when adopted, supersede any regional water quality control plans for the same waters to the extent of any conflict." In March 2000, the State Water Board adopted the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (SIP). This Policy establishes: (1) implementation provisions for priority pollutant criteria promulgated by the USEPA through the National Toxics Rule (NTR) (promulgated on December 22, 1992 and amended on May 4, 1995) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Boards

in their basin plans; (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions. In addition, this Policy includes special provisions for certain types of discharges and factors that could affect the application of other provisions in this Policy. Reference to this policy should be added to the Basin Plan by adding the following to the "State Water Board Policies and Plans" section on Page V-2:

12. State Water Board Resolution No. 2000-015, Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (SIP)

In March 2000, the State Water Board adopted the SIP in Resolution No. 2000-015. This Policy establishes: (1) implementation provisions for priority pollutant criteria promulgated by the U.S. Environmental Protection Agency (U.S. EPA) through the National Toxics Rule (NTR) (promulgated on December 22, 1992 and amended on May 4, 1995) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Boards in their basin plans; (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions. In addition, this Policy includes special provisions for certain types of discharges and factors that could affect the application of other provisions in this Policy.

In 1996 the Department of Health Services and the State Water Resource Control Board signed an updated Memorandum of Agreement (MOA) regarding the use of reclaimed water. Appendix 13 should be replaced with the updated MOA and the following revision is proposed for Item 3 under "State Water Board Management Agency Agreements (MAAs), Memoranda of Understanding (MOUs), and Memoranda of Agreement (MOAs)" on Page V-3.

3. Department of Health Services

In ~~1988~~1996, the State Water Board signed an MOA with the Department of Health Services regarding the use of reclaimed water.

CHAPTER IV. IMPLEMENTATION PLAN

Appendix 33 of the Basin Plan includes a listing of the Water Quality Limited Segments in accordance with CWA Section 303(d). This is not a required element in Basin Plans and is updated biennially by the State Water Board with Regional Water Board recommendations. The current list is outdated and should be removed. Appendix 33 should be removed and the following revision is proposed for the "Water Quality Limited Segments (WQLSs)" section on Page IV-26:

WQLSs are those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate effluent limitations for point sources (40 CFR 130, et seq.).

Additional treatment beyond minimum federal requirements will be imposed on dischargers to WQLSs. Point source dischargers will be assigned or allocated a maximum allowable load of critical pollutants. If necessary, nonpoint source discharges will be identified and reduction goals will be developed for these sources.

The list of WQLSs is ~~contained in Appendix Item 33.~~updated biennially as required by the Clean Water Act Section 303(d). The current list may be obtained by contacting the Regional Water Board office.

Since release of the Second Edition of the Basin Plan, regulations for solid waste have been codified in 27 CCR, Division 2, Subdivision 1 as well as in 23 CCR, Division 3, Chapter 15. To reflect this update, the following revisions are proposed:

Page IV-7, first column, beginning of first full paragraph:

...Chapter 15/Title 27 contains standards to protect both surface and ground waters from discharge of mining wastes.

Page IV-18, first column, first paragraph:

... If the concentrations of pollutants in the land-discharged waste are sufficiently high to prevent the waste from being classified as "inert waste" under ~~23 CCR, Section 2524~~27 CCR, Section 20230, discharges of such wastes to waste management units require long term containment or active treatment following the discharge in order to prevent waste or waste constituents from migrating to and impairing the beneficial uses of waters of the State.

To maintain consistent language in the Basin Plan the following two sentences will be added to Page IV-18, second column, end of paragraph continued from previous column:

In addition, the Toxic Pits Cleanup Act of 1984 precludes the storage or disposal of liquid hazardous wastes or hazardous wastes containing free liquid. The Regional Water Board is responsible for enforcing this Act under the authority of the Health and Safety Code, Section 25208 et seq.

Page IV-18, second column, last paragraph:

... Recent monitoring efforts under the State and Regional Water Boards' Chapter 15/Title 27 have revealed that discharges of municipal solid wastes to unlined landfills have resulted in ground water degradation and pollution by volatile organic constituents (VOCs) and other waste constituents.

Page IV-19, first column, first full paragraph:

… The State Water Board ~~is in the process of developing revised regulations under 23 California Code of Regulations, Division 3, Chapter 15, Discharges of Waste to Land,~~ adopted revised regulations in 27 CCR, Division 2, Subdivision 1 to fully implement water quality-related portions of the RCRA Subtitle D federal regulations.

Page IV-23, first column, first paragraph under Ground Water Cleanup:

The Regional Water Board's strategy for managing contaminated sites is guided by several important principles, which are based on Water Code Sections 13000 and 13304, the Chapter 15/Title 27 regulations and State Water Board Resolution Nos. 68-16 and 92-49:

Page IV-23, first column, Item 1:

The Regional Water Board will require conformance with the provisions of State Water Board Resolution No. 68-16 in all cases and will require conformance with applicable or relevant provisions of Title 23,California Code of Regulations, Division 3, Chapter 15 and 27 CCR, Division 2, Subdivision 1 to the extent feasible.

Page IV-25, second column, Item 12:

Where leachable/mobile concentrations of constituents of concern remain on-site in concentrations which threaten water quality, the Regional Water Board will require implementation of applicable provisions of Chapter 15/Title 27. Relevant provisions of Chapter 15/Title 27 which may not be directly applicable, but which address situations similar to those addressed at the cleanup site will be implemented to the extent feasible, in conformance with ~~Title 23, California Code of Regulations, Section 2511(d)~~27 CCR, Section 20090(d). This may include, but is not limited to, surface or subsurface barriers or other containment systems, pollutant immobilization, toxicity reduction, and financial assurances.

b. Basin Plan Edits

The following revision is proposed for consistency with the California Water Code: Page III-1, second column, first full paragraph:

Changes to the water quality objectives can also occur because of new scientific information on the effects of specific pollutants ~~a pollutant on beneficial uses~~.

The following revision is proposed for consistency with the remainder of the ground water objectives in the Basin Plan: Page III-7, Bacteria objective:

In ground waters designated for use as domestic or municipal supply (MUN) ~~designated MUN,~~ the ~~concentration for total~~ most probable number of coliform organisms over any 7-day period shall be less than 2.2/100 ml.

IV. CEQA AND ECONOMIC CONSIDERATIONS

a. CEQA Considerations

The Regional Water Board must comply with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) when amending a basin plan. Pursuant to Public Resources Code Section 21080.5(c), the Basin Planning process has been certified by the California Secretary of Resources as an exempt regulatory program. See CEQA Guidelines, Title 14 California Code of Regulations (CCR), Section 15251(g). As an exempt regulatory program, the basin planning process has been determined to be functionally equivalent to the preparation of an initial study, a negative declaration, or environmental impact report (EIR) otherwise required by CEQA. In lieu of these documents, however, the Regional Water Board is required to prepare the following: the Basin Plan amendment; an Environmental Checklist that identifies potentially significant adverse environmental impacts of the Basin Plan amendment; a staff report that describes the proposed amendment, reasonable alternatives, and mitigation measures to minimize any significant adverse environmental impacts identified in the Checklist, and a notice of filing. State Water Resources Control Board Regulations, Title 23, CCR, Section 3775, et seq. The basin plan amendment, Environmental Checklist, staff report and notice of filing together are functionally equivalent to an initial study, negative declaration, or EIR.

Based on the Environmental Checklist (attached to this report), staff concludes that there would be **no potentially significant adverse impacts on the environment** caused by adoption of this Basin Plan amendment.

b. Economic Considerations

The Regional Water Board is required to consider economics, among other factors, when establishing water quality objectives (California Water Code, Section 13241). The proposed revisions do not establish or revise water quality objectives. However, dischargers will not be subject to any additional requirements as a result of the proposed revisions so there are no expected economic costs.

V. ALTERNATIVES

1. No action.

If the Regional Water Board does not revise the Basin Plan, it will continue to be inconsistent with the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin Plan and contain outdated language. This will lead to confusion in implementing water quality standards and identifying applicable policies. The Second Edition of the Basin Plan was reformatted so that updates could be easily included. To take no action would be inconsistent with the purpose of reformatting the Basin Plan. This will also lead to wasted time and resources from stakeholders attempting to comply with an outdated Basin Plan.

2. Adopt proposed revisions to Chapter IV- Implementation Plan only

The proposed changes to Chapter IV- Implementation Plan only affect how the Basin Plan is implemented. If this alternative were adopted, outdated policies would continue to be included as if they were current policies. The Second Edition of the Basin Plan was reformatted so that updates could be easily included. To leave out the revisions to Chapter V-Plans and Policies would mislead stakeholders and lead to wasted time and resources from stakeholders attempting to comply with an outdated Basin Plan.

3. Adopt proposed revisions to Chapter V-Plans and Policies only

The proposed changes to Chapter V-Plans and Policies only updates existing policies. If this alternative were adopted, outdated documents and regulations would continue to be included as if they were current. The Second Edition of the Basin Plan was reformatted so that updates could be easily included. To leave out the revisions to Chapter IV-Implementation Plan would mislead stakeholders and lead to wasted time and resources from stakeholders attempting to comply with an outdated Basin Plan.

4. Adopt proposed revisions to Chapters II, III, IV, V, and Appendices

By adopting the proposed revisions, the Regional Water Board will maintain consistency of the two Basin Plans within the Central Valley Region. In addition, the Basin Plan will contain the current policies and inform stakeholders and the public of current water quality goals and requirements.

VI. RECOMMENDED ALTERNATIVE (#4)

Revise Basin Plan sections as follows:

CHAPTER II – PRESENT AND POTENTIAL BENEFICIAL USES

The following sentence is proposed to be added to the end of the second complete paragraph in the second column of Page II-2.

<u>The judgment of the Regional Board on beneficial use evaluations and designations, particularly to change the above designated and assigned beneficial uses, will be conducted in accordance with California Water Code Sections 13240 through 13247 and 40 CFR Part 131 which relate to the adoption and approval of water quality control plans and water quality standards.</u>

CHAPTER III – WATER QUALITY OBJECTIVES

Page III-1, second column, first full paragraph:

Changes to the water quality objectives can also occur because of new scientific information on the effects of specific pollutants ~~a pollutant on beneficial uses~~.

Page III-7, Bacteria objective:

In ground waters designated for use as domestic or municipal supply (MUN) ~~designated MUN,~~ the ~~concentration for total~~ most probable number of coliform organisms over any 7-day period shall be less than 2.2/100 ml.

CHAPTER IV – IMPLEMENTATION

The following revision is proposed for the "Water Quality Limited Segments (WQLSs)" section on Page IV-26:

WQLSs are those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate effluent limitations for point sources (40 CFR 130, et seq.).

Additional treatment beyond minimum federal requirements will be imposed on dischargers to WQLSs. Point source dischargers will be assigned or allocated a maximum allowable load of critical pollutants. If necessary, nonpoint source discharges will be identified and reduction goals will be developed for these sources.

The list of WQLSs is ~~contained in Appendix Item 33.~~updated biennially as required by the Clean Water Act Section 303(d). The current list may be obtained by contacting the Regional Water Board office.

Page IV-7, first column, beginning of first full paragraph:

…Chapter 15/Title 27 contains standards to protect both surface and ground waters from discharge of mining wastes.

Page IV-18, first column, first paragraph:

… If the concentrations of pollutants in the land-discharged waste are sufficiently high to prevent the waste from being classified as "inert waste" under ~~23 CCR, Section 2524~~27 CCR, Section 20230, discharges of such wastes to waste management units require long term containment or active treatment following the discharge in order to prevent waste or waste constituents from migrating to and impairing the beneficial uses of waters of the State.

To maintain consistent language in the Basin Plan the following two sentences will be added to Page IV-18, second column, end of paragraph continued from previous column:

In addition, the Toxic Pits Cleanup Act of 1984 precludes the storage or disposal of liquid hazardous wastes or hazardous wastes containing free liquid. The Regional Water Board is responsible for enforcing this Act under the authority of the Health and Safety Code, Section 25208 et seq.

Page IV-18, second column, last paragraph:

... Recent monitoring efforts under the State and Regional Water Boards' Chapter 15/Title 27 have revealed that discharges of municipal solid wastes to unlined landfills have resulted in ground water degradation and pollution by volatile organic constituents (VOCs) and other waste constituents.

Page IV-19, first column, first full paragraph:

... The State Water Board ~~is in the process of developing revised regulations under 23 California Code of Regulations, Division 3, Chapter 15, Discharges of Waste to Land,~~ adopted revised regulations in 27 CCR, Division 2, Subdivision 1 to fully implement water quality-related portions of the RCRA Subtitle D federal regulations.

Page IV-23, first column, first paragraph under Ground Water Cleanup:

The Regional Water Board's strategy for managing contaminated sites is guided by several important principles, which are based on Water Code Sections 13000 and 13304, the Chapter 15/Title 27 regulations and State Water Board Resolution Nos. 68-16 and 92-49:

Page IV-23, first column, Item 1:

The Regional Water Board will require conformance with the provisions of State Water Board Resolution No. 68-16 in all cases and will require conformance with applicable or relevant provisions of Title 23,California Code of Regulations, Division 3, Chapter 15 and 27 CCR, Division 2, Subdivision 1 to the extent feasible.

Page IV-25, second column, Item 12:

Where leachable/mobile concentrations of constituents of concern remain on-site in concentrations which threaten water quality, the Regional Water Board will require implementation of applicable provisions of Chapter 15/Title 27. Relevant provisions of Chapter 15/Title 27 which may not be directly applicable, but which address situations similar to those addressed at the cleanup site will be implemented to the extent feasible, in conformance with ~~Title 23, California Code of Regulations, Section 2511(d)~~27 CCR, Section 20090(d). This may include, but is not limited to, surface or subsurface barriers or other containment systems, pollutant immobilization, toxicity reduction, and financial assurances.

CHAPTER V – PLANS AND POLICIES

Item 2 under "State Water Board Policies and Plans" on Page V-1.

2. State Water Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Water in California.

This policy, adopted on 28 October 1968, is intended to maintain high quality waters. It established criteria the Regional Water Board must satisfy before allowing discharges that may reduce water quality of surface or ground waters even though such a reduction will still protect beneficial uses.

Changes in water quality may be allowed only if the change is consistent with maximum benefit to the people of the State, does not unreasonably affect present and anticipated beneficial uses, and does not result in water quality less than that prescribed in water quality control plans and policies. USEPA water quality standards regulations require each state to adopt an "antidegradation" policy and specify the minimum requirements for the policy (40 CFR 131.12). ~~Although Resolution No. 68-16 preceded the federal policy,~~ The State Water Board has interpreted State Water Board Resolution No. 68-16 to incorporate the federal antidegradation policy. ~~Therefore, the federal antidegradation policy must be followed where it is applicable. The federal antidegradation policy applies if a discharge or other activity, which began after November 28, 1975, will lower surface water quality. Application of the federal policy may be triggered by water quality impacts or mass loading impacts to receiving waters.~~ Appendix 2 contains Resolution No. 68-16; Appendix 26 contains the federal policy.

Reference to this policy should be added to the Basin Plan by adding the following to the "State Water Board Policies and Plans" section on Page V-2:

12. State Water Board Resolution No. 2000-015, Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" (SIP)

In March 2000, the State Water Board adopted the SIP in Resolution No. 2000-015. This Policy establishes: (1) implementation provisions for priority pollutant criteria promulgated by the U.S. Environmental Protection Agency (U.S. EPA) through the National Toxics Rule (NTR) (promulgated on December 22, 1992 and amended on May 4, 1995) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Boards in their basin plans; (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions. In addition, this Policy includes special provisions for certain types of discharges and factors that could affect the application of other provisions in this Policy.

The following revision is proposed for Item 3 under "State Water Board Management Agency Agreements (MAAs), Memoranda of Understanding (MOUs), and Memoranda of Agreement (MOAs)" on Page V-3.

4. Department of Health Services

In ~~1988~~1996, the State Water Board signed an MOA with the Department of Health Services regarding the use of reclaimed water.

APPENDIX

Appendix 13 is proposed to be replaced with current Memoranda of Agreement (MOA) signed 20 February 1996.

Appendix 33 is proposed to be removed.

VII. RECOMMENDATION

Staff recommends that the Regional Water Board approve the proposed Basin Plan amendment and certify the environmental document.

ENVIRONMENTAL IMPACT REVIEW

INTRODUCTION

The planning process for water quality control plans has been certified by the Secretary of Resources as a regulatory program pursuant to Public Resources Code Section 21080.5. California Environmental Quality Act (CEQA) Guidelines § 15251(g). Pursuant to Public Resources Code section 21080.5(c), the Basin Plan planning process is exempt from the provisions of CEQA that relate to preparation of initial studies, environmental impact reports and negative declarations. This attachment to the proposed Basin Plan amendment satisfies the requirements of State Water Resources Control Board Regulations for Implementation of CEQA, Exempt Regulatory Programs, which are found in the California Code of Regulations, Title 23, Division 3, Chapter 27, Article 6, beginning at Section 3775. Section 3777 requires preparation of:

- an environmental checklist; and
- a written report containing a brief description of the proposed activity or project, reasonable alternatives to the proposed activity, and mitigation measures to minimize any significant adverse environmental impacts of the proposed activity.

PROPOSED PROJECT

The Water Quality Control Plan for the Tulare Lake Basin (Basin Plan) designates beneficial uses of waterbodies, establishes water quality objectives for the protection of these beneficial uses, and outlines a plan of implementation for maintaining and enhancing water quality.

The proposed Basin Plan amendment will revise language to provide updates and clarification of current regulations and policies, as well as, provide consistency with the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin.

ENVIRONMENTAL CHECKLIST

1. **Project Title:**
   Amendment to the Water Quality Control Plan for the Tulare Lake Basin for Clarification, Consistency, and Updating of the Language.

2. **Lead Agency Name and Address:**
   California Regional Water Quality Control Board, Central Valley Region, 3614 East Ashlan Avenue, Fresno, CA 93726

3. **Contact Person and Phone Number:**
   Pam Buford, Environmental Scientist, (559) 445-5576

4. **Project Location:**

Tulare Lake Basin.

5. **Project Sponsor's Name and Address:**
   California Regional Water Quality Control Board, Central Valley Region, 3614 East Ashlan Avenue, Fresno, CA, 93726

6. **General Plan Designation:**
   Not applicable

7. **Zoning:**
   Not applicable

8. **Description of Project:**
   Basin Plan amendment to update and clarify language to make minor edits and provide consistency with the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin.

9. **Surrounding Land Uses and Setting:**
   Not applicable.

10. **Other public agencies whose approval is required:**
    State Water Resources Control Board
    Office of Administrative Law

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental resource categories identified below are analyzed herein to determine whether the proposed project would result in adverse impacts to any of these resources. None of the categories below are checked because the Proposed Project is not expected to result in "significant or potentially significant impacts" to any of these resources.

☐ Aesthetics
☐ Hazards & Hazardous Materials
☐ Public Services
☐ Agriculture Resources
☐ Hydrology/Water Quality
☐ Recreation
☐ Air Quality
☐ Land Use Planning
☐ Biological Resources
☐ Mineral Resources
☐ Utilities/Service Systems
☐ Cultural Resources
☐ Noise
☐ Mandatory Findings of Significance
☐ Geology/Soils
☐ Transportation/Traffic

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

- ❑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- ❑ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- ❑ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- ❑ I find that although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

Signature	Date
Printed name	For

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to Project's like the one involved (e.g., the Project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on Project-specific factors as well as general standards (e.g., the Project will not expose sensitive receptors to pollutants, based on a Project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

This Environmental Checklist has been prepared in compliance with the requirements of CEQA relating to certified regulatory programs.

Impact	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control The District may be relied upon to make the following determinations. Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute	☐	☐	☐	☒

Impact	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
substantially to an existing or projected air quality violation?				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
IV. BIOLOGICAL RESOURCES – Would the Project:				
a) Have a substantial adverse effect, either directly, or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulators, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordi-	☐	☐	☐	☒

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
nances protecting biological resources, such as a tree preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
V. CULTURAL RESOURCES – Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource of site or unique geological feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. GEOLOGY AND SOILS – Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, sub-	☐	☐	☐	☒

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
sidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
VII. HAZARDS AND HAZARDOUS MATERIALS – Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	☐	☐	☐	☒
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to	☐	☐	☐	☒

Impact	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
urbanized areas or where residences are intermixed with wildlands?				
VIII. HYDROLOGY AND WATER QUALITY – Would the Project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which results in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant	☐	☐	☐	☒

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
IX. LAND USE AND PLANNING – Would the Project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
X. MINERAL RESOURCES – Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
XI. NOISE – Would the Project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity	☐	☐	☐	☒

Impact	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
above levels existing without the Project?				
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒
XII. POPULATION AND HOUSING – Would the Project?				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XIII. PUBLIC SERVICES				
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
XIV. RECREATION				
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XV. TRANSPORTATION/TRAFFIC – Would the Project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio to roads, or congestion at intersections?)	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
XVI. UTILITIES AND SERVICE SYSTEMS – Would the Project?				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the	☐	☐	☐	☒

IMPACT	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
effects of past projects, the effects of other current projects, and the effects of probably future projects)?				
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE

For the purposes of making impact determinations, potential impacts were determined to be significant if the Proposed Project or its alternatives would result in changes in environmental condition that would, either directly or indirectly, cause a substantial loss of habitat or substantial degradation of water quality or other resources.

ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

Each resource category of the Environmental Checklist is supported by the following discussions and source information, as cited.

Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Utilities and Service Systems:

The Proposed Project will provide minor edits to the Basin Plan to provide clarification of existing regulations and consistency with the Water Quality Control Plan for the Sacramento and San Joaquin Rivers Basin and should result in no impact to the resource categories listed above.

THE NO PROJECT/CURRENT BASIN PLAN ALTERNATIVE

This Staff Report concludes that the Proposed Project would not cause any potentially significant impacts. Therefore, there are no mitigation measures or alternative that could reduce or avoid significant impacts. This report analyzes a No Project/Current Basin Plan Alternative to provide additional context for decision-making parties. The No Project/Current Basin Plan Alternative is not environmentally superior to the Proposed Project.

The No Project/Current Basin Plan Alternative characterizes what would happen if the Proposed Project (i.e., updating and clarifying Basin Plan language) is not approved and implemented. Under the No Project/Current Basin Plan Alternative, there will also be no impacts.

RECOMMENDED ALTERNATIVE

Based on the analysis of the Proposed Project and the No Project/Current Basin Plan Alternative presented above, Regional Water Board staff recommends approval and implementation of the Proposed Project.

DE MINIMUS FINDING

The Regional Water Board staff, after consideration of the evidence, recommends that the Regional Water Board find that the proposed project has no potential for adverse effect, either individually or cumulatively, on wildlife.